

## Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendices A is not available for public inspection as it contain) or relates to exempt information within the meaning of paragraph 1 and 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to financial and business affairs of the Tenant and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

<b>Subject Heading:</b>	<p><b>Subject Property:</b> 33 Gobions Avenue, Romford, Essex, RM5 3SS (The Property)</p> <p><b>Event:</b> Peaceable Re Entry/ Forfeiture Proceedings</p>
<b>Decision Maker:</b>	Mark Butler - Assistant Director of Regeneration & Place Shaping
<b>Cabinet Member:</b>	Councillor Paul McGeary – Cabinet Member for Housing & Property
<b>SLT Lead:</b>	Neil Stubbings - Strategic Director of Place
<b>Report Author and contact details:</b>	<p>London Borough of Havering (LBH) Helen Gardner Senior Estates Surveyor Property Services Town Hall Main Road Romford RM1 3BD</p> <p>Tel: 01708 434 123 E: <a href="mailto:helen.gardner@havering.gov.uk">helen.gardner@havering.gov.uk</a></p>
<b>Policy context:</b>	Asset Management Plan

**Non-key Executive Decision**

<b>Financial summary:</b>	The financial aspects for the transaction are detailed in the <u>EXEMPT Appendix A</u> to this Report
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Place
<b>Is this decision exempt from being called-in?</b>	The decision will be exempt from call in as it is a Non key Decision

**The subject matter of this report deals with the following Council Objectives**

People - Things that matter for residents ( )  
Place - A great place to live, work and enjoy (x)  
Resources - A well run Council that delivers for People and Place ( )

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

To note the exercising of the delegated authority by the appropriate Property Officer to instruct a peaceable re-entry and forfeit the lease as per the details in Appendix A

### **AUTHORITY UNDER WHICH DECISION IS MADE**

Havering Council's Constitution Part 3.3 Scheme 3.3.5 (2 April 2024 - current)

8.1 To be the Council's designated corporate property officer, responsible for the strategic management of the Council's property portfolio, including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation, security and use, reviews, acquisitions and disposals, and commercial estate management.

### **STATEMENT OF THE REASONS FOR THE DECISION**

#### **Background**

The above property is let on a 20-year Lease commencing 26<sup>th</sup> March 2013 that is protected by the Landlord & Tenant Act 1954. The retail premises is a mid-terrace shop and is used as a grocery store with provision to also act as a dry-cleaning agent.

The tenant has been in arrears with the rent since June 2025 and these have steadily grown. The shop has been shut so Enforcement have been unable to make contact with the tenant and despite our phone calls and emails, the rent remains outstanding. Therefore, in order to protect the council's interest and avoid the arrears increasing even more, we would recommend that we peaceably re-enter the premises and obtain vacant possession and the debt, less the rent deposit, will be passed to Debt Recovery. The lease will then be forfeited.

This report seeks to document this matter and to forfeit the lease.

Property Services will arrange the rent deposit to offset the arrears.

The tenant will under supervision attend the premises to collect their personal effects and will be required to re-attend the premises on subsequent occasions to complete this task.

The property will be re-marketed once the premises have been cleared of all personal effects.

## **Non-key Executive Decision**

### **Recommendations**

It is recommended that the premises are peaceably re-entered, the lease is formally forfeited and that the premises are re-marketed as soon as the premises are cleared off all personal effects.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Option: Do Nothing

Rejected: A do nothing option was rejected given that the tenant had fallen into significant arrears with little hope of the tenant ever recovering the situation.

### **PRE-DECISION CONSULTATION**

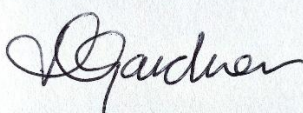
None

### **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Helen Gardner

Designation: Senior Estates Surveyor

Signature:

A handwritten signature in black ink, appearing to read 'H. Gardner', is written over a light blue rectangular background.

Date: 09.02.26

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

A forfeiture of the lease will allow for the Council to recover land that they are lawfully entitled. If forfeiture is not affected then the Council runs the risk of losing the right to recover possession following the rent arrears breach as any delay in forfeiture would result in the breach being affirmed following allowing the tenant to remain.

There is a lawful right to the arrears which can lawfully be offset against the rent deposit to reduce/clear the arrears. If the sums are not sufficient then the Council would be well within their rights to issue debt proceedings for the balance.

In the event the rent deposit does not clear the arrears there is a guarantee agreement and at 1.2(a) of the agreement the outgoing tenant would be liable for any arrears that have accrued so we can go after the previous tenant for the arrears as well as the existing tenant.

It should be noted that if the tenant clears the arrears they would have an arguably basis on which to seek relief from forfeiture and re-entry. They would only be successful with such an application, if they can show an arguable basis on which to clear the arrears within a reasonable period or soon after the application if they haven't already. Such an application would incur legal costs but the Council would be well within its rights to seek to contest costs given that the arrears were present and it was justifiable to forfeit the lease.

It should be noted that if a new tenant is put in place prior to a relief application, such an application would have little to no basis on which to be successful.

### **FINANCIAL IMPLICATIONS AND RISKS**

Property Services will make arrangements to transfer the rent deposit to the rent account. This will offset a significant proportion of the arrears to lessen the potential loss to the council.

The Enforcement Team will be instructed to pursue the tenant for the remaining arrears. There is a significant risk that they will be unsuccessful in recovering any further sums from the tenant which could result in monies owed to the Council being written off. This will increase the pressure on the commercial rent's income budget.

There will also be void and remarketing costs incurred, once the property is cleared, which should attract a new tenant, re-establish the rental income stream and reduce the pressure on the budget.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

No human resources implications and risks have been identified.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out but is not required in this matter.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

There are not any equalities and social inclusion implications and risks associated with this decision.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

No Environmental and Climate Change implications identified.

### **BACKGROUND PAPERS**

None

### **APPENDICES**

**Appendix A**      Peaceable Re-Entry / Forfeiture of Lease      Exempt

**Non-key Executive Decision**


**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed 

Name: Mark Butler

Position: Assistant Director of Regeneration & Place Shaping

Date: 11.02.2026

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_